

Application Serial No. 10/805,618
Petition to Withdraw From Issue

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JUN 28 2007

OFFICE OF PETITIONSAttorney Docket No. 04149/LH**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Applicant(s): Tooru HISHIYAMA, et al

Serial No. : 10/805,618

Confirm. No.: 2133

Filed : March 18, 2004

For : CRUSHING CONTROL APPARATUS
FOR SHEARING CRUSHER

Art Unit : 3725

Examiner : Faye Francis

**PETITION TO WITHDRAW FROM ISSUE
UNDER 37 CFR 1.313(c)(2)**

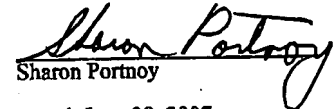
Mail Stop Petitions
Commissioner for Patents
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Alexandria, VA 22313-1450

**CERTIFICATE OF FACSIMILE
TRANSMISSION**

TO NO. 1-571-273-0025

TOTAL PAGES: 3 - PETITION
1 - RCE
1 - 2038
50 - IDS

I hereby certify that this paper is being
facsimile transmitted to the
Commissioner for Patents, P.O. Box
1450, Alexandria, Virginia 22313-1450
on the date noted below.


Sharon Portnoy

Dated: June 28, 2007

In the event that this Paper is late filed,
and the necessary petition for extension
of time is not filed concurrently
herewith, please consider this as a
Petition for the requisite extension of
time, and to the extent not tendered by
credit card payment, authorization to
charge the extension fee, or any other fee
required in connection with this Paper to
Account No. 06-1378.

S I R :

Applicants hereby petition to withdraw the above-identified
application from issue for the reason set forth in
37 CFR 1.313(c)(2), namely, for consideration of a Request for
Continued Examination (RCE), which is filed concurrently herewith
along with an Information Disclosure Statement.

The Issue Fee was paid on May 10, 2007. No patent date has
been assigned.

As required by MPEP 1308, one specific and significant
defect in the allowed application is that an Office Action has

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been issued in a counterpart Japanese application dated June 20, 2007 that identifies JP 8-047651 and JP 2002-219379 which are believed to be material to the patentability of the allowed claims.

The undersigned became aware of the Japanese Office Action (dated June 20, 2007) on June 27, 2007, and in order to ensure consideration of JP 8-047651 and JP 2002-219379 by the Examiner, this Petition to Withdraw from Issue under 37 CFR 1.313(c)(2) is being filed.

The RCE submitted herewith is being filed with an Information Disclosure Statement to make the documents cited therein of record.

Form PTO-2038 authorizing charges in the amount of \$920.00 is enclosed for payment of the \$130.00 fee set forth in 37 CFR 1.17(h) and the RCE fee of \$790.00 set forth in 37 CFR 1.17(e).

In addition, authorization is hereby given to charge any fees for which payment has not been submitted, or to credit any overpayments, to Account No. 06-1378.

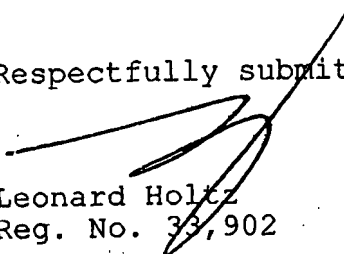
It is respectfully requested that the present application be withdrawn from issue for the purpose of consideration of said RCE and said Information Disclosure Statement filed concurrently herewith.

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If there are any comments, questions, objections or
recommendations, please telephone the undersigned at the
telephone number given below for prompt action.

Respectfully submitted,


Leonard Holtz
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